THE HON'BLE SRI BILAL NAZKI,
THE ACTING CHIEF JUSTICE
AND
THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.24098 of 2007

Dated: 15-11-2007

Between:

M/s.Aravind Agencies, Kamareddy,
Nizamabad District.

...Petitioner

and

The Joint Commissioner of Commercial Taxes (Legal),
Hyderabad and others.

...Respondents

THE HON'BLE SRI BILAL NAZKI,
THE ACTING CHIEF JUSTICE
AND
THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.24098 of 2007

Dated: 15-11-2007

Order: (Per The Hon'ble Sri Bilal Nazki, The Acting Chief Justice)

Heard the learned Counsel for the parties. With their consent, the Writ Petition is disposed of at this stage.

The controversy is that during pendency of the appeal filed by the petitioner against the assessment

order dated
16-03-2007 before the second respondent-Appellate Deputy Commissioner, application for stay was dismissed by the first respondent-Joint Commissioner on 05-10-2007.

We have gone through the record. We feel that the interest of justice would be met if stay is granted pending appeal, subject to deposit of half of the disputed tax liability. Therefore, we set aside the impugned order dated 05-10-2007 of the first respondent-Joint Commissioner and direct that half of the disputed tax liability shall be paid by the petitioner within a period of four weeks. For four weeks, there shall be an unconditional stay and the stay shall continue till disposal of the appeal, provided the amount is deposited within four weeks. The deposit of amount shall be without prejudice to the rights of the petitioner in the appeal. The amount already deposited by the petitioner shall be given credit to while calculating half of the disputed tax liability.

Writ Petition is disposed of accordingly. No costs.

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(Bilal Nazki, A.C.J)

Dated 15th November, 2007

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(Ramesh Ranganathan, J)

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